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Remarks

Applicant has corrected Fig. 5 to illustrate an indicia detector detecting syringe or plunger indicia as required by the Examiner.

Applicant's drawing and specification amendments submitted July 21, 2004 avoid the Examiner's objections regarding reference numerals, by correcting Figs. 1A and 1B to use reference numeral 20 for the plunger drive jaw, and correcting the specification to use reference numeral 44 to reference the window in Fig. 2B.

Applicant therefore submits that the Examiner's formal objections have been avoided.

On the merits, the Examiner has asserted that all claims are obvious in view of Reilly et al. '858 in view of Stade '198 or alternately obvious in view of Stade '198 in view of Reilly et al. '858. Applicant respectfully strongly disagrees with this rejection.

The Examiner's rejections are premised upon the Examiner's interpretation of Reilly et al. '858 as teaching "physical indicia (70/70b/70s) interacting with the injector on one of the syringes indicating information related to the capacity of the syringe, i.e. the dimensions of the syringe, the content (defined as the amount of specified material contained, see Merriam Webster's Collegiate Dictionary (tenth edition) (c) 1997, 'content on page 250) of the syringe in the case of a pre-filled syringe, manufacturing information, recommended contrast media flow rates/pressures, and loading/injection sequences, see Column 6, lines 45-51."

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In the Drawings

A proposed correction to Fig. 5 is shown in the drawings attached hereto. This correction includes a physical indicia detector for detecting physical indicia on the syringe and extender as described at page 6, lines 23-26, as requested by the Examiner.

The Examiner's attention is drawn to Applicant's previous correction of Figs. 1A and 1B in Applicant's response of July 21, 2004, a copy of which is being submitted herewith.

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The Examiner relies upon Stade as showing a power syringe with a volume reducing adapter much like that seen in Fig. 1B of the present application, which the present application identifies as a "typical pre-filled syringe".

As the Examiner correctly states, however, this background discussion and Stade "fails to disclose a physical indicia interacting with the injector on the syringe indicating information related to the capacity of the syringe." Thus, the Examiner's rejection hinges upon her interpretation of Reilly et al. '858 as showing indicia on a syringe related to the capacity of the syringe. Applicant submits that there is no such disclosure in Reilly et al. '858.

The language in Reilly col. 6, lines 45-51 that the Examiner relies upon reads as follows:

"Examples of the information which could be encoded on the encoding device 70 include dimensions of the syringe 22, content of the syringe in the case of a pre-filled syringe, manufacturing information such as lot numbers, dates and tool cavity number, recommended contrast media flow rates and pressures, and loading/injection sequences."

This language does not suggest encoding information relating to the capacity of the syringe onto indicia.

As an initial matter, it should be observed that Reilly '858 nowhere discusses or illustrates syringes of different capacities. Indeed, even in its references to "pre-filled" syringes, there is no suggestion that the syringes might be "partially" pre-filled, or that some (pre-filled or empty) syringes would have different capacities than others. Thus, there is no

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context in the Reilly et al. '858 patent that would lead toward syringes with different capacities.

Turning, then, to the specific language of col. 6, Applicant notes that the Examiner's interpretation appears to focus (using a dictionary definition) on the reference to "content of the syringe in the case of a pre-filled syringe". The other "information" is rightly discarded: "Dimensions of the syringe 22" does not reference a changing capacity; indeed, it appears to refer to syringe wall thickness and strength, which relates to "recommended contrast media flow rates and pressures", as well as to maximum injection pressure as discussed in the immediately following paragraph (bridging columns 6 and 7). Similarly, "Manufacturing information such as lot numbers, dates and tool cavity number" and "loading/injection sequences" also do not refer to a changing syringe capacity.

As to "content of the syringe in the case of a pre-filled syringe", Applicant submits that the language "in the case of a pre-filled syringe" included in this phrase reveals that "content" does not refer to the capacity of the syringe, but rather to the kind of pharmaceutical in the syringe. If, as the Examiner theorizes, "content" referred to the "capacity" of the syringe, it would be irrelevant whether the syringe were filled or empty – filling (or pre-filling) a syringe does not change its "capacity". But as the quoted phrase from Reilly et al. '858 makes clear, "content" is only of interest "in the case of a pre-filled syringe"; Applicant submits that the Examiner's theory is thus incorrect. "Content" is only relevant "in the case of a pre-filled syringe" because "content" refers to what is "pre-filled", i.e., what pharmaceutical is in the syringe. Indeed, this is the typical meaning of "content"

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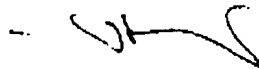
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and the first definition of ⁴content on page 250 of the Examiner's dictionary: the "something [pharmaceutical] contained" in the syringe is its "content". "Content" is thus not capacity.

Accordingly, Applicant submits that Reilly et al. '858 does not, in fact, disclose "physical indicia interacting with the injector on the syringe indicating information related to the capacity of the syringe", and as the Examiner admits that Stade '198 also fails to disclose this concept, Applicant submits that all claims are allowable, as the prior art fails to teach each element of the invention claimed. Early transmission of a Notice of Allowability is thus respectfully requested.

A petition for a three month extension of time accompanies this communication. If any further extension of time is required, please consider this paper a petition for such an extension of time, and apply the appropriate extension of time fee to Deposit Account 23-3000. If any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,



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